



CITY OF OAKLAND

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OAKLAND

2016 MAY 11 PM 3:10 LI

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Sean Whent
Chief of Police

SUBJECT: Michael Palmertree Professional
Services Contract Amendment

DATE: April 26, 2016

City Administrator Approval

Date:

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator To: 1) Amend The Current Seventy-Five Thousand Dollars (\$75,000) Per Year Professional Services Agreement With Michael Palmertree For Mental Health Counseling Services By Adding Twenty-Five Thousand Dollars (\$25,000) Per Year, For A Total Of One Hundred Thousand Dollars (\$100,000) Per Year, And A Total Contract Amount Not To Exceed Four Hundred Fifty Thousand Dollars (\$450,000); And 2) Waive The Competitive Request For Proposals / Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Business Enterprise Programs (L/SLB) Provisions For The Purchase Of Professional Services.

EXECUTIVE SUMMARY

OPD has created a wellness program to consolidate all mental health services within one unit to better support the mental health needs of employees. The City recently approved a contract with Michael Palmertree, Marriage and Family Therapist (MFT), for \$75,000 per year on March 8, 2014, through Resolution No. 84897 C.M.S., to support behavior intervention programs. OPD now recommends increasing the annual contract to \$100,000 per year so that Mr. Palmertree can also provide counseling services as part of the new Wellness Unit.

BACKGROUND / LEGISLATIVE HISTORY

OPD recognizes that police work can at times be very dangerous and stressful for sworn personnel, and for the civilian staff that support sworn personnel. Suicide is the most extreme example, but work-related stress can lead a variety of impaired physical and mental health conditions. Employees benefit from a wellness program that addresses stressful conditions and promotes strategies to offset and mitigate stress. To address work-related challenges, OPD must go beyond training officers to physically survive each day. OPD has created a wellness program, housed organizationally in the Wellness Unit, to serve officers and civilian employees with mental health issues that arise from work-related challenges. OPD's Wellness Unit brings professional resources such as Peer Support, the Chaplain's Unit, Critical Incident Response

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Team, the OPD Medical Unit, and the Employee Assistance Program (EAP) together in one place. Counseling services are a critical component of the Wellness Unit, and OPD relies on professional providers to offer counseling services.

City Council approved Resolution No. 84897 C.M.S on March 18, 2014, which authorized \$200,000 in ongoing funding for OPD's wellness program. The Public Safety Committee on October 13, 2015 received an informational report about the creation of the OPD Wellness Unit.

Oakland has contracted with Michael Palmertree, Marriage Family Therapist (MFT), through several City Council-approved resolutions. Mr. Palmertree is a licensed psychotherapist who specializes in the treatment of post-traumatic stress. OPD began working with Mr. Palmertree, in 2007. Resolution No. 80647 C.M.S. authorized a contract with Mr. Palmertree not to exceed \$49,999 per year from July 1, 2007 through June 30, 2008. In 2008, OPD conducted an RFP/Q for counseling services and Mr. Palmertree was the only vendor to respond. The City awarded a further contract to Mr. Palmertree from July 1, 2008 through June 30, 2010, for \$50,000 per year. Resolution No. 82835 C.M.S. provided authorization for the City to extend the contract with Mr. Palmertree from July 1, 2010 through June 30, 2011 for \$50,000.00. The City awarded a contract to Mr. Palmertree from July 1, 2011 through June 30, 2012 for \$50,000.00 for mental health services, through Resolution No. 83305 C.M.S.

In December 2012, OPD conducted another RFP/Q for counseling services. Mr. Palmertree was the only vendor that responded. Resolution No. 85036 C.M.S. authorized the CAO to enter into an agreement with Dr. Palmertree from July 1, 2014 through June 30, 2017 with a two-year extension option, for \$75,000.00 per year.

Mr. Palmertree charges \$120 per hour, as stipulated in the current contract; the \$75,000 annual amount equates to 625 annual hours, or 52 hours per month on average for psychological sessions. Currently, officers and civilian employees call Mr. Palmertree directly to set up appointments. Sworn officer appointments usually occur at the Oakland Police Officers Association (OPOA) facility in downtown Oakland. In recent years, OPD staff has utilized most, or the full amount of available consultation services. In Fiscal Year (FY) 2014-15, Mr. Palmertree used \$ \$71,340 of the \$75,000 annual contract amount. For FY 2015-16, Mr. Palmertree has already billed for the full \$75,000 of his annual contract based on staff demand.

ANALYSIS AND POLICY ALTERNATIVES

As part of the decision made by the United States District Court for Northern California ("the Court") in relation to the lawsuit brought forth in the case known as the Riders, the City of Oakland and OPD entered into a Negotiated Settlement Agreement (NSA). The NSA requires that the City achieve compliance with 51 separate tasks related to police reform. Tasks 40 and 41 of the NSA require OPD to establish an early identification and intervention program to detect and address police personnel engaged in at-risk behavior and substandard performance.

Mr. Palmertree has over 30 years of experience counseling personnel in areas of at-risk behavior and substandard performance. He has been closely associated with the design, development, implementation, and ongoing improvements to the OPD early identification and intervention program. This program was approved by the Court as being compliant with the

NSA. Mr. Palmertree provides counseling services to OPD personnel through the Wellness Unit, separate from his work with OPD intervention programs. Mr. Palmertree has a deep familiarity with OPD and the nature of policing. He will provide a similar level of high-quality counseling to staff that utilize the Wellness Unit.

The requested contract amendment will maintain the same \$120 per hour rate in the contract. Employees will be able to call Mr. Palmertree through the Wellness Unit, and either arrange telephone consultations or in-person meetings. Additionally, Mr. Palmertree will be working with the OPD Wellness Unit staff to develop group trainings that appeal to OPD sworn and civilian employees. The goal of both the group trainings and one-one-one therapy consultations is to help all staff learn emotional and mental strategies to positively address the stresses that can so easily compromise their work. The 208 additional hours per year that would be authorized by this contract amendment will focus in particular on helping staff develop strategies for overcoming these work-related stresses.

Resolution No. 85036 C.M.S. authorized a contract with Mr. Palmertree for \$75,000 per year for the period of July 1, 2014, to June 30, 2017, with an option to extend the contract for an additional two years. OPD now needs a greater level of counseling services to serve current needs as well as the Wellness Unit. Staff recommends that the current contract be increased from \$75,000 per year to \$100,000 per year starting July 1, 2016, for the third year of the contract and beyond.

Waiver of Bidding and Advertising Requirement and the Local and Small Local Business Enterprise Program Provisions

Section 2.04.050.1.5 of the Oakland Municipal Code (OMC) authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determination that it is in the best interests of the City to do so. Mr. Palmertree has been providing his professional services to OPD since 2005 in the area of behavioral science consultation and training. Staff now believes that it is in the best interest of the City to waive the advertising and bidding process as no other vendors have been found that offer the combination of services offered by Mr. Palmertree. OPD has conducted two RFP/Q processes in the last eight years and Mr. Palmertree was the only respondent.

In Resolution No. 85036 C.M.S., the City Council on June 3, 2014, waived the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determining that it is in the best interests of the City to do so. Staff recommends the same finding with this request to change the contract amount. Staff also recommends that the City Council waive the Local and Small Local Business Enterprise Program Provisions as Mr. Palmertree lives in San Francisco.

FISCAL IMPACT

Funding for the \$25,000 annual increase will come from the existing OPD annual operating budget as part of the Wellness Program in the General Purpose Fund. The additional funding in the OPD General Purpose Fund comes from the \$200,000 in Wellness Unit funding approved by Resolution No. 84897 C.M.S. (see Background / Legislative History above on page 2). No

additional funding is requested. The current contract between the City and Mr. Palmertree is for \$75,000 per year, for three years with an option to extend the contract for two additional years. The contract amendment will stipulate the same \$120 per hour rate of pay in determining hours available for each year of the contract. The table below illustrates the fiscal impact from the recommended amendment to the contract.

Fiscal Year	Current Annual Amount	Annual Amount with Recommended Contract Amendment
2014-15	\$75,000	\$75,000
2015-16	\$75,000	\$75,000
2016-17	\$75,000	\$100,000
2017-18	\$75,000	\$100,000
2018-19	\$75,000	\$100,000
Total Contract	\$375,000	\$450,000

Funding for this proposed contract amendment will be administered according to the table below.

Fiscal Year	Fund Source	Organization	Account	Project	Program	Amount
2016-17	1010	103110	54919	A468595	PS01	\$25,000
2017-18	1010	103110	54919	A468595	PS01	\$25,000
2018-19	1010	103110	54919	A468595	PS01	\$25,000

PUBLIC OUTREACH / INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

COORDINATION

Staff collaborated with the Controller's Bureau in the production of this report. The Office of the City Attorney reviewed the Report and Resolution as to form and legality.

SUSTAINABLE OPPORTUNITIES

Economic: No economic opportunities are identified in this report. However, professional advice and counseling services, including stress debriefing, may enhance the City's risk management strategies.

Environmental: No environmental opportunities are identified in this report.

Social Equity: Professional advice and counsel related to mental health and behavioral science issues provided to OPD Command Staff and psychological counseling services provided to sworn and civilian employees following traumatic events benefit the entire community.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator To: 1) Amend The Current Seventy-Five Thousand Dollars (\$75,000) Per Year Professional Services Agreement With Michael Palmertree For Mental Health Counseling Services By Adding Twenty-Five Thousand Dollars (\$25,000) Per Year, For A Total Of One Hundred Thousand Dollars (\$100,000) Per Year, And A Total Contract Amount Not To Exceed Four Hundred Fifty Thousand Dollars (\$450,000); And 2) Waive The Competitive Request For Proposals / Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Business Enterprise Programs (L/SLB) Provisions For The Purchase Of Professional Services.

For questions regarding this report, please contact, Jennie Lim, OPD Medical Unit at (510) 238-7510.

Respectfully submitted,



Sean Whent
Chief of Police
Oakland Police Department

Reviewed by:
Tim Birch, Police Services Manager I,
OPD, Office of the Chief, Research & Planning

Kiona Suttle, Police Services Manager I,
OPD, Records Management

Prepared by:
Bruce Stoffmacher, Legislation Manager
OPD, Office of the Chief, Research & Planning

FILED
 OFFICE OF THE CITY CLERK

OAKLAND CITY COUNCIL

2016 MAY 11 PM 3:11

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: 1) AMEND THE CURRENT SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) PER YEAR PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL PALMERTREE FOR MENTAL HEALTH COUNSELING SERVICES BY ADDING TWENTY-FIVE THOUSAND DOLLARS (\$25,000) PER YEAR, FOR A TOTAL OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) PER YEAR, AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000); AND 2) WAIVE THE COMPETITIVE REQUEST FOR PROPOSALS / QUALIFICATIONS (RFP/Q) PROCESS, THE ADVERTISING AND BIDDING REQUIREMENTS, AND LOCAL AND SMALL BUSINESS ENTERPRISE PROGRAMS (L/SLB) PROVISIONS FOR THE PURCHASE OF PROFESSIONAL SERVICES

WHEREAS, the both the Negotiated Settlement Agreement (NSA) Tasks 40 and 41, as well as Oakland Police Officers' Association (OPOA) Memorandum of Understanding (MOU) with the City of Oakland require the Police Department to develop and implement an early identification and intervention program to address police personnel engaged in at risk behavior or display substandard work performance; and

WHEREAS, on June 19, 2007, in Resolution No. 80647 C.M.S., the City Council awarded a contract for Fiscal Year 2007-08 to Michael Palmertree, Marriage Family Therapist ("MFT"), for behavioral science consultation and training services as part of the requirements established in the Negotiated Settlement Agreement (NSA) arising from the case Delphine Allen, et al. vs. City of Oakland, et al.; and

WHEREAS, following an RFP/Q process in 2008, in which Mr. Palmertree was the only vendor to submit a proposal, the City Council renewed and extended the contract with Mr. Palmertree in Resolution Nos. 82835 C.M.S on June 15, 2010, for the period of July 1, 2010 through June 30, 2011; and

WHEREAS the City Council approved Resolution No. 83305 C.M.S. which authorized the City Administrator to enter into a contract with Dr. Palmertree from July 1, 2011 through June 30, 2012 for \$50,000.00 for continued mental health services; and

WHEREAS the City Council approved Resolution No. 85036 C.M.S. on June 3, 2014, which authorized the City Administrator or designee to enter into an agreement with Dr. Palmertree from July 1, 2014 through June 30, 2017 with a two-year extension option, for an increased amount of \$75,000.00 per year; and

WHEREAS, OPD has historically suffered tragic losses due to on the job deaths and suicide due to work-related stressful conditions; and

WHEREAS, OPD recognizes that it is no longer sufficient to only train our officers to physically survive each day, but rather it must offer additional resources in form of a wellness program which brings the brings professional resources such as Peer Support, the Chaplain's Unit, Critical Incident Response Team, OPD Medical Unit, and the Employee Assistance Program (EAP); and

WHEREAS, OPD's wellness program is committed to immediately respond to issues and incidents encountered by employees from job-related and personal issues or incidents and will maintain strict confidentiality as mandated by law; and

WHEREAS, the Wellness Unit requires the participation of a behavioral science consultant to provide confidential mental health services to employees who participate in the wellness program; and

WHEREAS, the Public Safety Committee on October 13, 2015 received an informational report about the creation of OPD's Wellness Unit; and

WHEREAS, On March 18, 2014, City Council approved Resolution No. 84897 C.M.S., which authorized \$200,000 in ongoing funding for the wellness program; and

WHEREAS, Michael Palmertree, MFT, has over thirty years of experience counseling personnel in areas of at-risk behavior and substandard performance and has been closely associated with the design, development, implementation, and ongoing improvements to OPD's early identification and intervention program that was approved by the United States Federal Court as being compliant with the NSA; and

WHEREAS, OPD will require additional behavioral health and counseling support services to staff the Wellness Unit that exceed the service level provided for in the current contract authorized by Resolution No. 85036 C.M.S.; and

WHEREAS, Oakland Municipal Code section 2.04.051.B permits the Council to waive advertising and the request for proposal / qualifications ("RFP/Q") requirements upon a finding that it is in the best interest of the City to do so, and staff recommends that the Council waive advertising and RFP/Q requirements for the purchase of behavioral science and consultation services necessary for compliance with the MOU, and where Dr. Palmertree is consistently the only vendor to respond to the past RFP/Q's that the City has issued; and

WHEREAS, the services to be provided under said contract are of a professional, scientific or technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

RESOLVED: That for the reasons stated above and in the City Administrator's report accompanying this item and pursuant to Oakland Municipal Code section 2.04.051.B, the Council finds that it is in the best interests of the City to waive advertising and the RFP/Q requirements for the purchase of services from a behavioral science specialist for continued implementation of the early identification and intervention program required by the Memorandum of Understanding with the Oakland Police Officers' Association, and so waives the requirements; and be it

FURTHER RESOLVED: The contract for behavioral sciences consulting in support of the OPOA MOU, previously awarded to Michael Palmertree, MFT, for the term July 1, 2014 to June 30, 2017, followed by an option to extend for an additional two years, to June 30, 2019, in an amount of \$75,000 per year, with a total contract amount of \$375,000; is amended to \$100,000 per year, for a total contract not to exceed \$450,000; and be it

FURTHER RESOLVED: That funds for the additional \$25,000 per year are available in the Department's budget appropriation and will be drawn from General Fund (1010), Bureau of Services Admin Organization (103110), Miscellaneous Contracts Account (54919), Wellness Unit Project (A468595), and Agency-Wide Program (PS01); and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement for services, except for any increase in the contract amount without returning to the City Council; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve said contract with Michael Palmertree as to form and legality, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California